

1 DAVID M. HELBRAUN (SBN 129840)

2 **HELBRAUN LAW FIRM**

3 351 California Street, Suite 900

4 San Francisco, California 94104

5 Telephone: (415) 982-4000

6 Facsimile: (415) 352-0988

7 Attorneys for Plaintiff

8 **SPENCER SUTTON**

9 UNITED STATES DISTRICT COURT  
10  
11 NORTHERN DISTRICT OF CALIFORNIA

12 SPENCER SUTTON,

13 Plaintiff,

14 v.

15 CITY AND COUNTY OF SAN

16 FRANCISCO, POLICE OFFICER

17 CHRISTOPHER M. MORRIS, in his

18 individual and official capacities, POLICE

19 OFFICER CRAIG L. LEONG, in his

20 individual and official capacities, POLICE

21 OFFICER STEVEN D. FERRAZ, in his

22 individual and official capacities, and

23 DOES 1-25, Jointly and Severally,

24 Defendants.

No. CV 10-4563 SBA

**ORDER DENYING PLAINTIFF'S  
COUNSEL'S MOTION TO WITHDRAW  
WITHOUT PREJUDICE AND SEALING  
RECORD OF HEARING**

25 A hearing on the Motion to Withdraw as Plaintiff's Counsel filed by David M. Helbraun  
26 on July 27, 2011, came on regularly for hearing at 1:00 p.m. on October 18, 2011 in Courtroom 1,  
27 4<sup>th</sup> Floor, of the above-entitled Court, the Honorable U.S. District Court Judge Sandra Brown  
28 Armstrong presiding. A Statement of Non-Opposition was filed on behalf of defendants.  
Plaintiff Spencer Sutton submitted a later dated October 10, 2011 in opposition to the motion.

David M. Helbraun, Esq. appeared on behalf of himself, the moving party. Michael  
Gerchow, Esq. of the San Francisco City Attorney's Office appeared briefly at the  
commencement of the hearing on behalf of the defendants, and then exited the hearing at the  
Court's request, to permit plaintiff and his counsel to discuss with the Court attorney-client  
privileged matters pertinent to the motion. Mr. Sutton appeared by telephone. Mr. Sutton  
consented to discuss attorney-client privileged communications for the limited purpose of

1 addressing issues raised by this Motion, and the Court indicated that the transcript of the hearing  
2 would be sealed based upon attorney-client confidentiality.

3 THE COURT, having read the parties' written statements, and having heard moving  
4 party's argument and the response of Plaintiff Spencer Sutton, and having considered and  
5 weighed the facts and issues presented,

6 IT IS HEREBY ORDERED that the Motion to Withdraw is denied without prejudice to  
7 renewal if plaintiff fails to cooperate and communicate with his attorney for reasons within his  
8 control; and

9 IT IS HEREBY FURTHER ORDERED that the transcript of the record of the hearing on  
10 this motion is sealed and may not be obtained by anyone other than plaintiff and his counsel.

11 IT IS SO ORDERED.

12 Dated: October 21, 2011

  
HONORABLE SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE